

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 10, 2007. At the time of the Office Action, Claims 1-25 were pending in this Application. Claims 1-25 were rejected. Independent Claims 1, 14, and 23 have been amended to stress certain aspects of the claims. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1-9, 14-16, 19-23 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2002/0198608 issued to Bruce Alan Smith ("*Smith*"), in view of Japanese Publication 2000-102166 by Akiro Ando ("*Ando*").

Claims 10, 17 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Smith* and *Ando* as applied Claim 1, 14 and 23, and further in view of U.S. Patent 6,735,704 issued to David Butka et al. ("*Butka*").

Claims 11 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Smith* and *Ando* as applied to Claim 1 and 14, and further in view of U.S. Patent Publication 2005/0177755 issued to Henry T. Fung ("*Fung*").

Claims 12-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Smith* and *Ando* as applied to Claim 1, and further in view of U.S. Patent 6,766,222 issued to Raymond S. Duley ("*Duley*").

Applicants respectfully submit the proposed combinations, even if proper, which Applicants do not concede, do not render Applicants' amended claims obvious, as discussed below. In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S.

_____, 2007 WL 1237837 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on *ex post* reasoning. *KSR Int’l.*

Claim 1 is Allowable over the Proposed Smith-Ando Combination

Independent Claim 1 recites, among other limitations:

an address module operable to obtain the unique addresses of the connectors from the midplane and to calculate a start-up time for a first server module based on the unique address for the connector in which the first server module is received and a multiplication factor associated with a duration of an inrush load of at least one of the server modules; and

Neither *Smith* nor *Ando* teaches an address module operable to obtain the unique addresses of the connectors from the midplane and to calculate a start-up time for a first server module based on the unique address for the connector in which the first server module is received. The Examiner argued that *Smith* teaches “system server blade 102-0 operable to obtain the unique address of the connectors from the midplane and to calculate a start-up time for a first server module,” citing [0029] (Office Action, Page 3, Paragraph 4). Paragraph 0029, in pertinent part, states the following:

In one embodiment of the invention, the set of server blades 102 includes a system server blade 102-0 that is responsible for managing the configuration of the remaining blades. System server blade 102-0 may determine the geographic addresses of server blades 102 that are connected to bus 110 and provide this information to each of the remaining server blades 102.

For the sake of argument, Applicants assume that system server blade 102-0 may correlate to the address module recited in Claim 1. If so, however, *Smith* does not teach or discuss **calculating a start-up time for a first server module based on the unique address for the connector in which the first server module is received.** In fact, system server blade 102-0 of *Smith* must be powered on before it can complete any calculations.

The Examiner argues that *Ando* teaches “[a] start-up time for a first server module based on the unique address for the first server module and a multiplication factor associated with a duration of inrush load of at least one of the server modules” (Office Action, Page 3, Paragraph 6). On the contrary, *Ando* teaches:

For a power supply being supplied to each card 103 from a device power 102 via a mother board 101, in a power delay part 104 within each card 103, time after the device power is thrown in until an electronic circuit 105 in each card 103 is started is set differently for each card, difference in the time until startup among cards is set longer than the lasting time of the inrush current of the card, thus dispersing the rush current in terms of time.

(*Ando*, abstract).

As shown above, *Ando* teaches a dedicated power delay part 104 on card 103. While the power delay contemplated may be arguably related to the time of the inrush current, there is no part of *Ando* that refers to a multiplication factor or a unique address for card 103. Instead, *Ando* relies on power delay part 104 to delay starting an electronic circuit 105 as previously set for each card.

Neither *Smith*, nor *Ando*, nor the improper *Smith-Ando* combination teaches all of the elements recited in Independent Claim 1. Claim 1 is, therefore, allowable over the proposed *Smith-Ando* combination. Because Claims 2-13 depend from allowable Claim 1, they are likewise allowable.

The Proposed Smith-Ando Combination Is Improper for Failure to Meet the KSR Int'l. Test

A person having ordinary skill in the art would have no motivation to combine *Ando* with *Smith*. Careful consideration of each reference does not provide any reason to combine the two. The Examiner, however, argues:

It would have been obvious to one of ordinary skill in the art, having the teachings of Smith and Ando before him at the time the invention was made, to modify the system taught by Smith to include the teachings of Ando, in order to obtain the claimed system. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to manage the initial inrush current at startup to limit the power supply means (*Ando*, abstract).

(Office Action, Page 3, Paragraph 7 and Page 7, Paragraph 19).

Ando itself, as shown here, purports to be a complete solution to the problem of dispersing the rush current over time and, therefore, provides no motivation to look to *Smith* for additional teachings. To begin, *Ando* teaches:

For a power supply being supplied to each card 103 from a device power 102 via a mother board 101, in a power delay part 104 within each card 103, time after the device power is thrown in until an electronic circuit 105 in each card 103 is started is set differently for each card, difference in the time until startup among cards is set longer than the lasting time of the inrush current of the card, **thus dispersing the rush current in terms of time.**

(*Ando*, abstract).

Smith purports to provide “a system and method for enabling processors connected via a common IO bus to communicate with each other without incorporating any significant memory mapping hardware into the system” (*Smith*, [0030]). In addition, *Smith* addresses the desire “to isolate selected processors from others and to enable ‘private conversations’ between processors or between one or more processors and selected peripherals connected to a single PCI bus” (*Smith*, [0006]). *Smith*, assuming it teaches unique addresses for each server module, does not teach any benefit to power management or dispersing inrush current. In fact, it appears that, in

the system of *Smith*, the processors must be powered up before the teachings may be implemented.

In sum, neither *Smith* nor *Ando* teaches, suggests, or discloses that the geographical addresses of *Smith* would be of any use whatsoever in solving the power supply control method of *Ando*. The disclosures and teachings of the current application are the first and only motivation to use geographic addresses to stagger the start-up times of multiple servers as recited in Independent Claims 1, 14 and 23. To purport otherwise is to rely on *ex post* reasoning and allow hindsight bias in contravention of *KSR International*.

The proposed *Smith-Ando* combination, then, fails to meet the requirements of *KSR International*. That is, the Examiner has failed to identify an apparent reason to combine the required elements and offers, instead, a rejection on obviousness grounds based on “mere conclusory statements.” Applicants respectfully argue the rejections of Independent Claims 1, 14, and 23 must be withdrawn because the proposed *Smith-Ando* combination is without “articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”

Claims 14 and 23 Are Allowable over the Proposed Smith-Ando Combination

Independent Claim 14 recites, among other limitations:

calculating a start-up time for each server module based on the unique addresses of the connector associated with each server module and an inrush load requirement of each server module; and

automatically sequencing power to start up the server modules based on the start-up times for the server modules.

Independent Claim 23 recites, among other limitations:

the address modules operable to obtain the unique address from the connectors for each server module and to **calculate a start-up time for each server module based on the unique address for the connector associated with**

each server module and at least one start-up characteristic of each server module; and

the power supplies operable to provide power to start up the server modules in a sequence determined by the start-up times for the server modules.

Neither *Smith* nor *Ando* teach calculating a start-up time for each server module based on the unique addresses for the connector associated with each server module, much less automatically sequencing power to start up the server modules based on the start-up times for the server modules. The Examiner cites *Ando* for “a start-up time for a server module based on the unique address for the server module and at least one start-up characteristic of the server module” (Office Action, Page 7, Paragraph 18), but neglects to identify a portion of *Ando* teaching the start-up time based on the unique addresses of each server module.

The solution offered by *Ando* is unrelated to the unique addresses of each server module:

For a power supply being supplied to each card 103 from a device power 102 via a mother board 101, in a power delay part 104 within each card 103, time after the device power is thrown in until an electronic circuit 105 in each card 103 is started is set differently for each card, difference in the time until startup among cards is set longer than the lasting time of the inrush current of the card, thus dispersing the rush current in terms of time.

(*Ando*, abstract).

As shown above, *Ando* teaches a dedicated power delay part 104 on card 103. While the power delay contemplated may be arguably related to the time of the inrush current, there is no part of *Ando* that refers to a multiplication factor or a unique address for card 103. Instead, *Ando* relies on power delay part 104 to delay starting an electronic circuit 105 as previously set for each card.

For at least these reasons, Independent Claims 14 and 23 are allowable over the improper *Smith-Ando* combination. Because Claims 15-22 depend from allowable Claim 14 and Claims 24-25 depend from allowable Claim 23, they are likewise allowable.

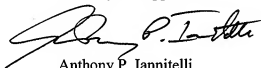
CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 1-25.

Applicants believe there are no fees due at this time; however, the Commissioner is hereby authorized to charge any additional fees or credit any to Deposit Account No. 50-2148 of Baker Botts L.L.P. to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2642.

Respectfully submitted,
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Date: 10 August 2007

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